

FILED

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SEP - 8 2005

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

DI'MITRI RAY HENDERSON,
RICHARD CARL ROWE, III, and
JOEL THOUSSAINT)

CR. NO. 2:05-CR-0138-T
[18 USC 2314;
18 USC 2]

SUPERSEDING INDICTMENT**The Grand Jury charges:****COUNTS 1-48**

From on or about January 9, 2005 continuing up to on or about February 23, 2005, in
Montgomery County, in the Middle District of Alabama, and elsewhere, the defendant,

DI'MITRI RAY HENDERSON,

did fraudulently and willfully cause to be transported, transmitted, and transferred in interstate
commerce from Montgomery, Alabama, to Cincinnati, Ohio, a falsely made, forged, altered and
counterfeited security knowing the same to have been falsely made, forged, altered and counterfeited,
to wit:

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
1	\$268.45	01/09/05	Winn Dixie	061104563 8030675592	1243
2	\$268.45	01/09/05	Winn Dixie	061104563 8030675592	1643
3	\$268.45	01/09/05	Winn Dixie	061104563 8030675592	1343
4	\$268.45	01/09/05	Winn Dixie	061104563 8030675592	1043
5	\$268.45	01/10/05	Winn Dixie	061104563 8030675592	127769
6	\$478.52	01/17/05	Winn Dixie	061104563 803067559211	5784
7	\$478.52	01/17/05	Winn Dixie	061104563 803067559211	6308
8	\$478.17	01/21/05	Winn Dixie	061112788 3299834855	6849
9	\$478.17	01/22/05	Winn Dixie	062203735 5990003727	6497

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
10	\$478.17	01/24/05	Winn Dixie	062203735 5990003727	6485
11	\$378.17	01/25/05	Winn Dixie	062203735 5990003727	6487
12	\$478.17	01/27/05	Winn Dixie	062203735 5990003727	5839
13	\$478.17	01/27/05	Winn Dixie	062203735 5990003727	5837
14	\$478.93	01/29/05	Winn Dixie	062203735 5990003727	7580
15	\$478.93	01/29/05	Winn Dixie	062203735 5990003727	7581
16	\$378.17	01/30/05	Winn Dixie	062203735 5990003727	5835
17	\$478.93	01/30/05	Winn Dixie	062203735 5990003727	7579
18	\$487.43	02/01/05	Winn Dixie	062000019 0033072043	576029
19	\$487.43	02/01/05	Winn Dixie	062000019 0033072043	576028
20	\$488.50	02/03/05	Winn Dixie	062203735 5990003727	8880
21	\$488.50	02/03/05	Winn Dixie	062203735 5990003727	7757
22	\$488.50	02/03/05	Winn Dixie	062203735 5990003727	7758
23	\$488.50	02/03/05	Winn Dixie	062203735 5990003727	8879
24	\$487.94	02/04/05	Winn Dixie	062000019 0033072043	9985
25	\$487.43	02/05/05	Winn Dixie	062000019 0033072043	6548
26	\$487.94	02/05/05	Winn Dixie	062000019 0033072043	9981
27	\$487.94	02/05/05	Winn Dixie	062000019 0033072043	9982
28	\$487.94	02/05/05	Winn Dixie	062000019 0033072043	9983
29	\$487.43	02/02/05	Winn Dixie	062000019 0033072043	576027
30	\$471.50	02/06/05	Winn Dixie	062000019 0033072043	8907
31	\$471.50	02/06/05	Winn Dixie	062000019 0033072043	8917
32	\$471.50	02/06/05	Winn Dixie	062000019 0033072043	8918
33	\$435.86	02/16/05	Winn Dixie	262275978 11000001091310	8979
34	\$435.86	02/16/05	Winn Dixie	262275978 11000001091310	8984
35	\$435.86	02/17/05	Winn Dixie	262275978 11000001091310	8982
36	\$435.86	02/17/05	Winn Dixie	262275978 11000001091310	8981
37	\$435.86	02/17/05	Winn Dixie	262275978 11000001091310	8983
38	\$435.86	02/18/05	Winn Dixie	262275978 11000001091310	9689
39	\$435.86	02/18/05	Winn Dixie	262275978 11000001091310	9690
40	\$435.86	02/18/05	Winn Dixie	262275978 11000001091310	8980
41	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	8864
42	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	8867
43	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	9685
44	\$435.86	02/20/05	Winn Dixie	262275978 11000001091310	8866
45	\$435.86	02/20/05	Winn Dixie	262275978 11000001091310	8868
46	\$435.86	02/21/05	Winn Dixie	262275978 11000001091310	9687
47	\$435.86	02/22/05	Winn Dixie	262275978 11000001091310	9686

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
48	\$435.86	02/22/05	Winn Dixie	262275978 11000001091310	9688

all in violation of Title 18, United States Code, Sections 2314 and 2.

COUNTS 49-72

From on or about January 9, 2005 continuing up to on or about February 21, 2005, in Montgomery County, in the Middle District of Alabama, and elsewhere, the defendant,

DI'MITRI RAY HENDERSON,
RICHARD CARL ROWE, III,

while aiding and abetting one another, and others known and unknown to the Grand Jury, did fraudulently and willfully cause to be transported, transmitted, and transferred in interstate commerce from Montgomery, Alabama, to Cincinnati, Ohio, a falsely made, forged, altered and counterfeited security knowing the same to have been falsely made, forged, altered and counterfeited, to wit:

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
49	\$278.45	01/09/05	Winn Dixie	061104563 8030675592	3276
50	\$278.45	01/09/05	Winn Dixie	061104563 8030675592	3489
51	\$278.45	01/09/05	Winn Dixie	061104563 8030675592	1968
52	\$278.45	01/09/05	Winn Dixie	061104563 8030675592	12400
53	\$278.45	01/09/05	Winn Dixie	061104563 8030675592	1969
54	\$278.45	01/10/05	Winn Dixie	061104563 8030675592	12398
55	\$392.50	01/12/05	Winn Dixie	061104563 8030675592	79876
56	\$392.50	01/13/05	Winn Dixie	061104563 8030675592	79878
57	\$492.50	01/16/05	Winn Dixie	061104563 8030675592	5645
58	\$392.50	01/17/05	Winn Dixie	061104563 8030675592	79877
59	\$492.50	01/18/05	Winn Dixie	061104563 8030675592	5643
60	\$488.50	02/02/05	Winn Dixie	062203735 5990003727	9994
61	\$488.50	02/02/05	Winn Dixie	062203735 5990003727	9995

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
62	\$488.50	02/05/05	Winn Dixie	062203735 5990003727	9993
63	\$488.50	02/05/05	Winn Dixie	062203735 5990003727	7823
64	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	7924
65	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	7925
66	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	7927
67	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	7929
68	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	7931
69	\$435.86	02/19/05	Winn Dixie	262275978 11000001091310	7932
70	\$435.86	02/20/05	Winn Dixie	262275978 11000001091310	7928
71	\$435.86	02/20/05	Winn Dixie	262275978 11000001091310	7930
72	\$435.86	02/21/05	Winn Dixie	262275978 11000001091310	7926

all in violation of Title 18, United States Code, Sections 2314 and 2.

COUNTS 73-85

From on or about January 30, 2005 continuing up to on or about February 7, 2005, in Montgomery County, in the Middle District of Alabama, and elsewhere, the defendant,

DI'MITRI RAY HENDERSON,
JOEL THOUSSAINT,

while aiding and abetting one another, and others known and unknown to the Grand Jury, did fraudulently and willfully cause to be transported, transmitted, and transferred in interstate commerce from Montgomery, Alabama, to Cincinnati, Ohio, a falsely made, forged, altered and counterfeited security knowing the same to have been falsely made, forged, altered and counterfeited, to wit:

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
73	\$417.43	01/30/05	Winn Dixie	062203735 5990003727	8666
74	\$417.43	01/30/05	Winn Dixie	062203735 5990003727	8665
75	\$487.43	02/01/05	Winn Dixie	062000019 0033072043	579353
76	\$487.50	02/02/05	Winn Dixie	062203735 5990003727	9948

<u>Count</u>	<u>Amount</u>	<u>Date</u>	<u>Merchant Where Check Was Presented</u>	<u>Check Routing and Account Number</u>	<u>Check Number</u>
77	\$488.50	02/02/05	Winn Dixie	062203735 5990003727	9089
78	\$488.50	02/03/05	Winn Dixie	062203735 5990003727	9088
79	\$487.94	02/04/05	Winn Dixie	062000019 0033072043	9658
80	\$487.94	02/05/05	Winn Dixie	062000019 0033072043	9661
81	\$487.94	02/05/05	Winn Dixie	062000019 0033072043	9662
82	\$471.50	02/06/05	Winn Dixie	062000019 0033072043	8910
83	\$471.50	02/06/05	Winn Dixie	062000019 0033072043	8912
84	\$471.50	02/06/05	Winn Dixie	062000019 0033072043	8915
85	\$471.50	02/07/05	Winn Dixie	062000019 0033072043	8911

all in violation of Title 18, United States Code, Sections 2314 and 2.

Forfeiture Allegation

A. Counts 1 through 85 of this indictment are hereby repeated and incorporated herein by reference.

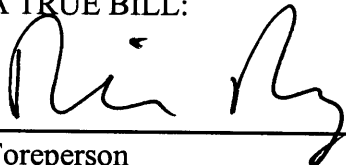
B. Upon conviction for violation of Title 18, United States Code, Section 2314 as alleged in Counts 1 through 85 of this indictment, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property which constitutes and is derived from proceeds traceable to a violation as alleged in Counts 1 through 85 of this Indictment.

C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

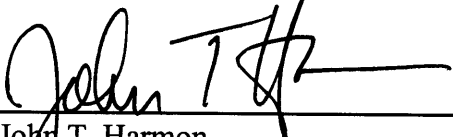
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

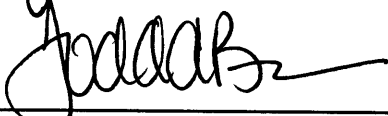
(5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property. All in violation of Title 18, United States Code, Sections 2314 and 982.

A TRUE BILL:


Foreperson


LEURA GARRETT CANARY
UNITED STATES ATTORNEY


John T. Harmon
Assistant United States Attorney


Todd A. Brown
Assistant United States Attorney